

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the ALAMEDA CORRIDOR – EAST CONSTRUCTION AUTHORITY for authority to add flashing light signals with gates, vehicle presence detection systems, and exit gate control systems, creating four-quadrant gate systems under General Order 75-C, Sections 6.71 and 10, at five grade crossings in the City of Pomona, County of Los Angeles.

Application 02-06-042
(Filed June 19, 2002)

O P I N I O N**Summary**

Alameda Corridor – East Construction Authority (ACE) requests authority to alter and upgrade five existing at-grade highway-rail crossings, as specified in Application (A.) 02-06-042 and in Appendix A attached to the order. These crossings are on Union Pacific Railroad Company’s (UP) Alhambra Subdivision (“B” Line) and Los Angeles Subdivision (“3” Line) main line tracks in Pomona, Los Angeles County.

Discussion

The exact legal name of the Applicant is Alameda Corridor – East Construction Authority of the San Gabriel Valley Council of Governments. ACE is the joint powers authority created in 1998 by the San Gabriel Valley Council of Governments. This corridor improvement project responds to existing safety and mobility issues and to anticipate increases in rail and vehicular traffic levels

along UP's Los Angeles Subdivision main line from South Vail Avenue in Montebello to East End Avenue in Pomona and along UP's Alhambra Subdivision main line from San Pablo Street in Los Angeles to East End Avenue in Pomona.

ACE projects are related to the original Alameda Corridor project. The Alameda Corridor connects the Ports of Long Beach and Los Angeles to the transcontinental rail network and consists of grade separations, a railroad "trench" and a railroad – railroad "flyover," allowing safer, faster and more efficient rail shipment of internationally traded goods from the Ports to the transcontinental rail yards east of downtown Los Angeles. From those yards, UP ships most of these goods east on its Alhambra Subdivision and Los Angeles Subdivision main line tracks. The San Gabriel Valley portions of these two UP main lines comprise ACE's project area.

Without ACE's proposed improvements, ACE estimates that motor vehicle delays will increase by 300 percent or an average vehicle wait at each at-grade highway-rail crossing of 10 to 24 minutes. ACE has projects at 55 at-grade highway-rail crossings within the San Gabriel Valley.

In A.02-06-042, ACE proposes to alter each of the five existing at-grade highway-rail crossings of Hamilton Boulevard, Park Avenue, Main Street, Palomares Street, and San Antonio Avenue at UP's Alhambra Subdivision and Los Angeles Subdivision main line tracks in Pomona, Los Angeles County.

The warning devices at the crossing entrances and crossing exits will constitute a four-quadrant gate system. The five crossings currently have two-quadrant warning devices at only the entrances to each crossing. The alteration and upgrade at each crossing consists of the installation of two CPUC Standard No. 9-C warning devices (flashing light signals with an automatic gate at the

crossing exits, as defined in Commission General Order (GO) 75-C, Section 6.71). Each warning device will be located at the northeast and southwest quadrants. An additional alteration at the existing Hamilton Boulevard crossing consists of upgrading the northwest and southeast quadrant warning devices from two CPUC Standard No. 9 warning devices (flashing light signals with an automatic gate at the crossing entrances, as defined in GO 75-C, Section 6.7) to two Standard No. 9-A warning devices (flashing light signals with an automatic gate with additional flashing lights on a cantilevered mast arm at the crossing entrances, as defined in GO 75-C, Section 6.7). The existing CPUC Standard No. 9 warning devices at the four other crossings will remain in place at the northwest and southeast quadrants.

Appendix A, attached to the order, lists the existing and proposed warning devices for each crossing subject to A.02-06-042.

The California Department of Transportation (Caltrans) is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982) as stated in Public Resources Code Section 21000 et seq. On September 20, 1999, Caltrans determined that the project is categorically exempt under CEQA (CEQA Guideline Section 15061 (b)(3)). Caltrans also determined that this project was exempt under the National Environmental Protection Act (NEPA) guidelines on September 28, 1999. On October 4, 1999, the Federal Highway Administration (FHWA) determined that this project was properly classified as a categorical exclusion. Attached to the order in Appendix B is a copy of the Categorical Exemption. The Categorical Exemption found that “This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment” as specified in CEQA Guideline Section 15061 (b)(3).

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval.

The Commission has reviewed the lead agency's Categorical Exemption/Categorical Exclusion determination. We find the CEQA Categorical Exemption and NEPA Categorical Exclusion documentation are adequate for our decision-making purposes. We are not aware of any information which would suggest Caltrans' and FHWA's exemption/exclusion classifications were inappropriate in this instance. We adopt the determination of exemption/exclusion for purposes of our approval.

On February 25, 2003, the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) inspected the sites of the proposed alteration projects. After reviewing the need for and the safety of the proposed alteration projects, RCES recommends that the Commission grant ACE's request.

The Application is in compliance with the Commission's filing requirements, including Rule 39 of Rules of Practice and Procedure, which relates to the widening, relocation, and alteration of existing crossings over railroad track. Detailed drawings of each of the proposed alteration projects are shown in Appendix C attached to the order.

To proceed in an expeditious manner with the alteration and four-quadrant gate system installation projects to enhance safety at each of the five crossings, ACE requests that the Commission waive the usual 30-day effective date of an order. We will make our order effective immediately.

In Resolution ALJ 176-3091, dated July 17, 2002, and published in the Commission Daily Calendar on July 18, 2002, the Commission preliminarily categorized A.02-06-042 as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Given these developments a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3091.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on July 1, 2002. There are no unresolved matters or protests; a public hearing is not necessary.
2. ACE requests authority, under Public Utilities Code Sections 1201-1205, to alter and upgrade five existing at-grade highway-rail crossings, as specified in A.02-06-042 and in Appendix A attached to the order, of UP's Alhambra Subdivision and Los Angeles Subdivision main line tracks in Pomona, Los Angeles County.
3. Alteration of the existing crossings and installation of the four-quadrant gate system at each crossing is necessary to enhance public safety at each crossing by closing off the entire crossing area from the rest of the roadway upon activation of the warning devices by the actuation circuitry.

4. Public convenience and necessity requires the alteration of the five existing, at-grade highway-rail crossings, as specified in A.02-06-042 and Appendix A of the order, of UP's Alhambra Subdivision and Los Angeles Subdivision main line tracks in Pomona, Los Angeles County.

5. Caltrans is the lead agency for this project under CEQA, as amended.

6. Caltrans prepared a Categorical Exemption/Categorical Exclusion document for this project. On September 20, 1999, Caltrans determined that the project is categorically exempt under CEQA (CEQA Guideline Section 15061 (b)(3)). On September 28, 1999, Caltrans also determined that this project was exempt under the NEPA guidelines. On October 4, 1999, the FHWA determined that this project was properly classified as a categorical exclusion.

7. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Categorical Exemption/Categorical Exclusion determination.

8. The Commission finds that the CEQA Categorical Exemption and NEPA Categorical Exclusion documentation are adequate for our decision making purposes and we adopt these determinations for purposes of our approval.

Conclusions of Law

1. We waive the usual 30-day effective date of an order as ACE requests to proceed in an expeditious manner with the alteration and four-quadrant gate system installation projects to enhance safety at each of the five crossings.
2. The application should be granted as set forth in the following order.

O R D E R**IT IS ORDERED** that:

1. Alameda Corridor – East Construction Authority (ACE) is authorized to alter and upgrade Hamilton Boulevard, Park Avenue, Main Street, Palomares Street, and San Antonio Avenue at-grade highway-rail crossings in the City of Pomona across Union Pacific Railroad Company’s (UP) Alhambra Subdivision (“B” Line) and Los Angeles Subdivision (“3” Line) Main Line tracks, as more fully described in Application (A.) 02-06-042 and Appendix A attached to this order.
2. Construction and maintenance of the crossings shall conform to General Order (GO) 72-B.
3. Crossing warning devices shall conform to the provisions of GO 75-C, and as set forth in Appendix A and as more fully described by the text and plans in A.02-06-042.
4. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.
5. Construction and maintenance costs shall be borne in accordance with an agreement into which ACE and UP have entered. ACE shall provide a copy of the agreement to the Commission’s Consumer Protection and Safety Division – Rail Crossings Engineering Section staff (RCES) prior to starting construction.

6. Within 30 days after completion of the work under this order, UP shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) of the completion of the authorized work.

7. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. The application is granted as set forth above.

9. Application 02-06-042 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A
List of Crossings and Number & Type of Warning Devices

Street Name	Crossing Number	Type and Number of Proposed Standard Warning Devices			
		Southeast Quadrant	Northeast Quadrant	Northwest Quadrant	Southwest Quadrant
Hamilton Blvd.	B-513.60 & 3-31.30	1 #9-A	1 #9-C	1 #9-A	1 #9-C
Park Avenue	B-514.10 & 3-31.80	1 #9	1 #9-C	1 #9	1 #9-C
Main Street	B-514.30 & 3-31.90	1 #9	1 #9-C	1 #9	1 #9-C
Palomares Street	B-514.70 & 3-32.30	1 #9	1 #9-C	1 #9	1 #9-C
San Antonio Avenue	B-515.20 & 3-32.80	1 #9	1 #9-C	1 #9	1 #9-C

The following are definitions of Standard Warning Devices,
as Described in Commission General Order 75-C

9 – Flashing light signal with automatic gate (entrance warning device)

9-C – Flashing light signal with automatic gate exit warning device

9A – Same as a #9, but with additional flashing lights on a cantilevered mast arm (entrance device)

APPENDIX A
List of Crossings and Number & Type of Warning Devices

Street Name	Crossing Numbers	Type and Number of Standard Warning Devices		
		Existing	Proposed	Comments
Hamilton Boulevard	B-513.60 3-31.30	2 #9s	2 #9-As 2 #9-Cs	Add additional flashing lights on a cantilevered mast arm to each of the existing #9s on the northwest and southeast quadrants. Add one #9-C on the northeast quadrant. Add one #9-C on the southwest quadrant.
Park Avenue	B-514.10 3-31.80	2 #9s	2 #9s 2 #9-Cs	Add one #9-C on the northeast quadrant. Add one #9-C on the southwest quadrant.
Main Street	B-514.30 3-31.90	2 #9s	2 #9s 2 #9-Cs	Add one #9-C on the northeast quadrant. Add one #9-C on the southwest quadrant.
Palomares Street	B-514.70 3-32.30	2 #9s	2 #9s 2 #9-Cs	Add one #9-C on the northeast quadrant. Add one #9-C on the southwest quadrant.
San Antonio Avenue	B-515.20 3-32.80	2 #9s	2 #9s 2 #9-Cs	Add one #9-C on the northeast quadrant. Add one #9-C on the southwest quadrant.

APPENDIX B ENVIRONMENTAL DOCUMENT

CATEGORICAL EXEMPTION CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATION FORM

ACE Construction Authority
Dist. Co. - Rte. for Local Agency

R.P./P.M./

E.A. (State project)

Proj. No. (Local project)
(Fed. Proj. Prefix
Proj. No., Agr. No.)

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)
Enter project description in this text box.

Railroad crossing protection equipment and measures, crossing regrading and repair, signing and striping, traffic signals, new or improved medians on existing rights-of-way to improve safety and mobility on UP and former SP mainline railroads from East Los Angeles to Pomona. Project length is 0.1 mile at each of 55 grade crossing locations.

CEQA COMPLIANCE

LOCAL ASSISTANCE PROJECTS: Record of CEQA Compliance is attached. { }

STATE PROJECTS:

Categorical Exemption (See 14 CCR 15300 et seq.)

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65362.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of historical resources.

CALTRANS CEQA DETERMINATION (for State Projects only)

☐ Exempt by Statute (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☒ Categorically Exempt, Class , or ☒ General Rule exemption (This project does not fall within an exempt class, but it can be seen with certainty there is no possibility that the activity may have a significant effect on the environment (CCR 15061 (b)(3)).

Ron Kosinski
Signature: Environmental Office Chief

9/20/99
Date

[Signature]
Signature: Project Manager

9/20/99
Date

NEPA COMPLIANCE (23 CFR 771-117)

CATEGORICAL EXCLUSION

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In nonattainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environment aspects of this action.

PROGRAMMATIC CATEGORICAL EXCLUSION

☒ Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1990 Programmatic Categorical Exclusion have been met.

CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the above statements, it is determined that the project is at:

☒ Categorical Exclusion

Ron Kosinski
Signature: Environmental Office Chief
(For all State & local CEs)

9/20/99
Date

☐ Programmatic Categorical Exclusion

[Signature]
Signature: Project Manager/DLA Engineer
(PM for all State CEs/DLAE for Local Asst. CEs)

9-20-99
Date

FHWA DETERMINATION (If applicable)

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of, and is properly classified as a Categorical Exclusion.

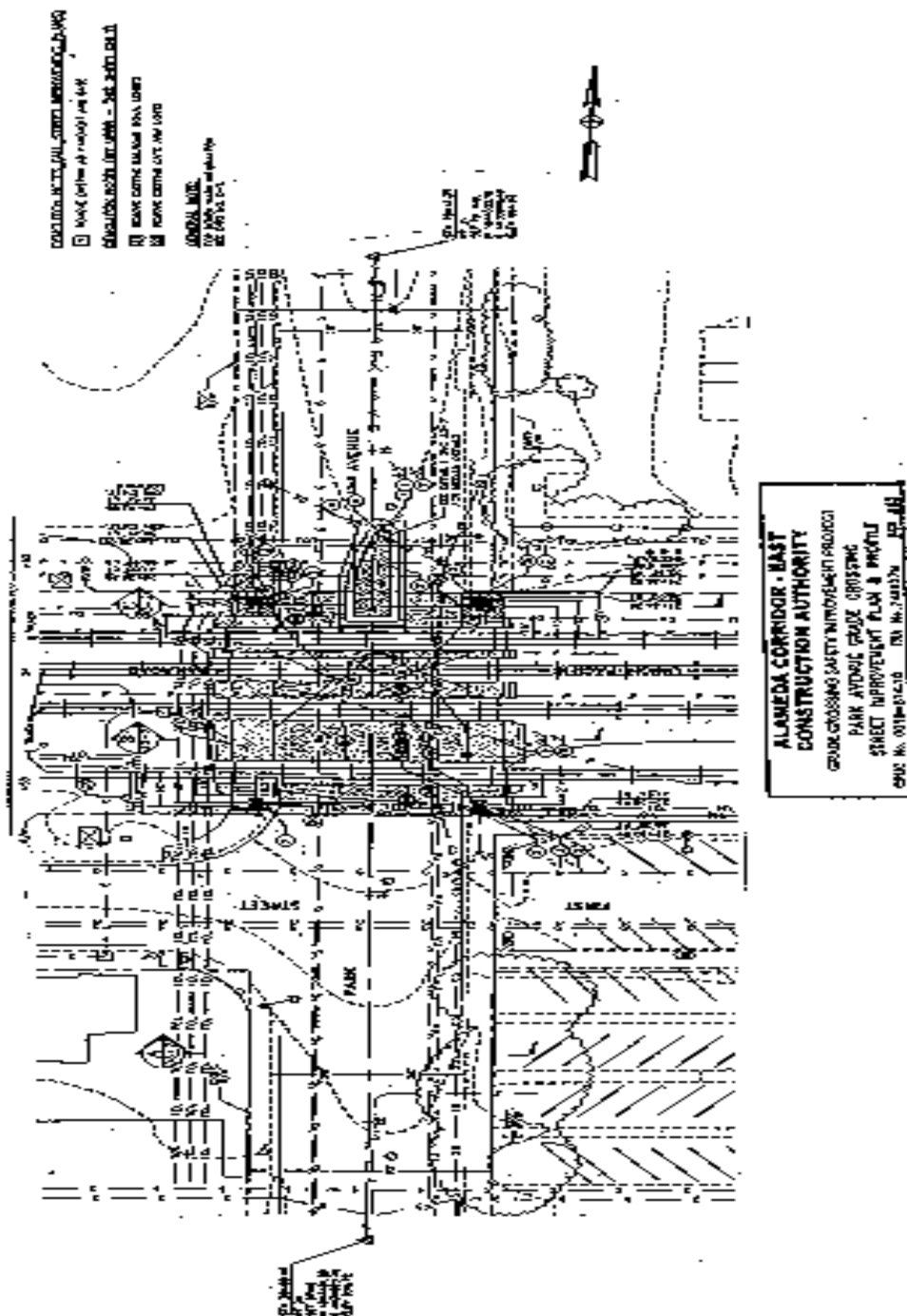
[Signature]
Signature: FHWA Transportation Engineer

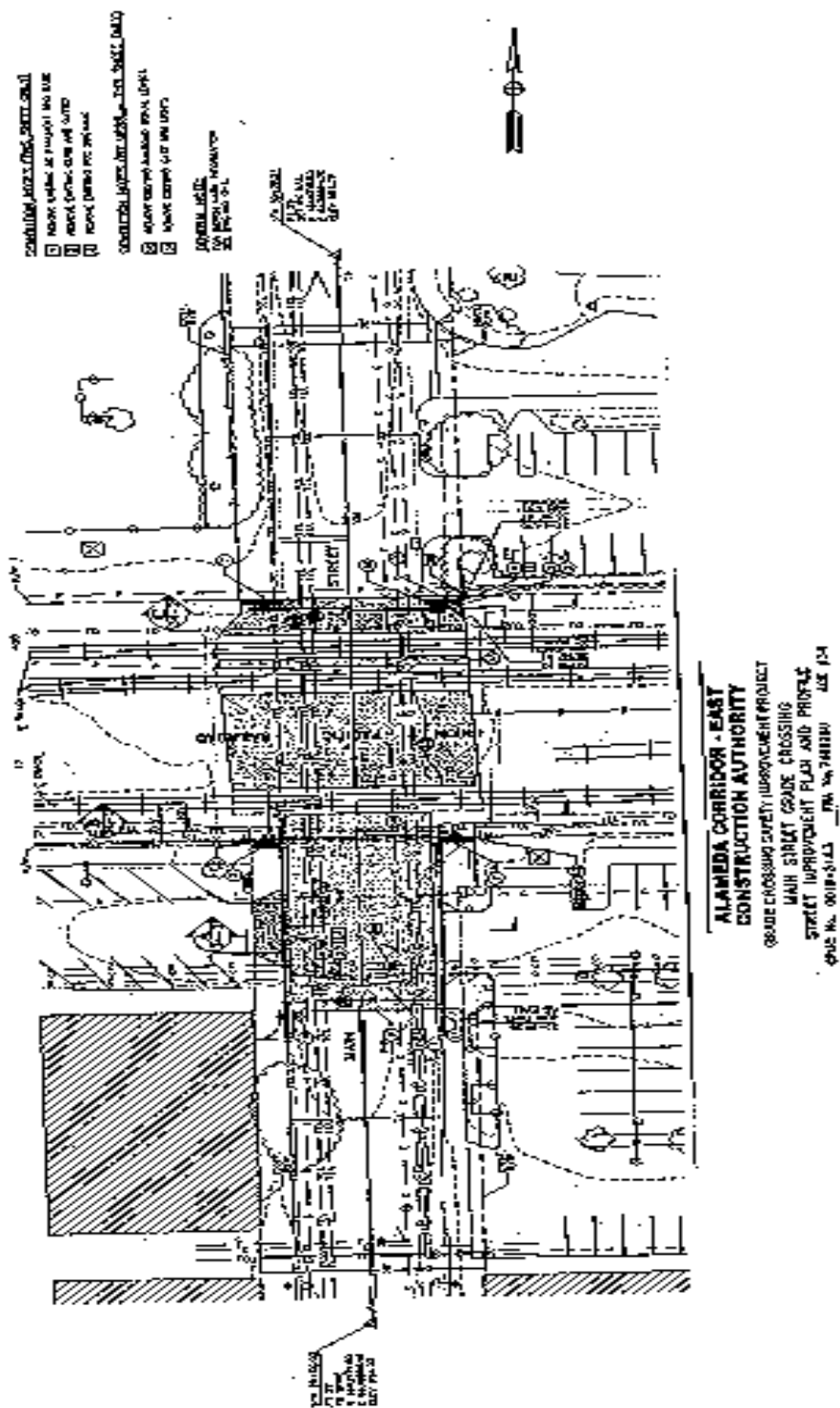
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Date

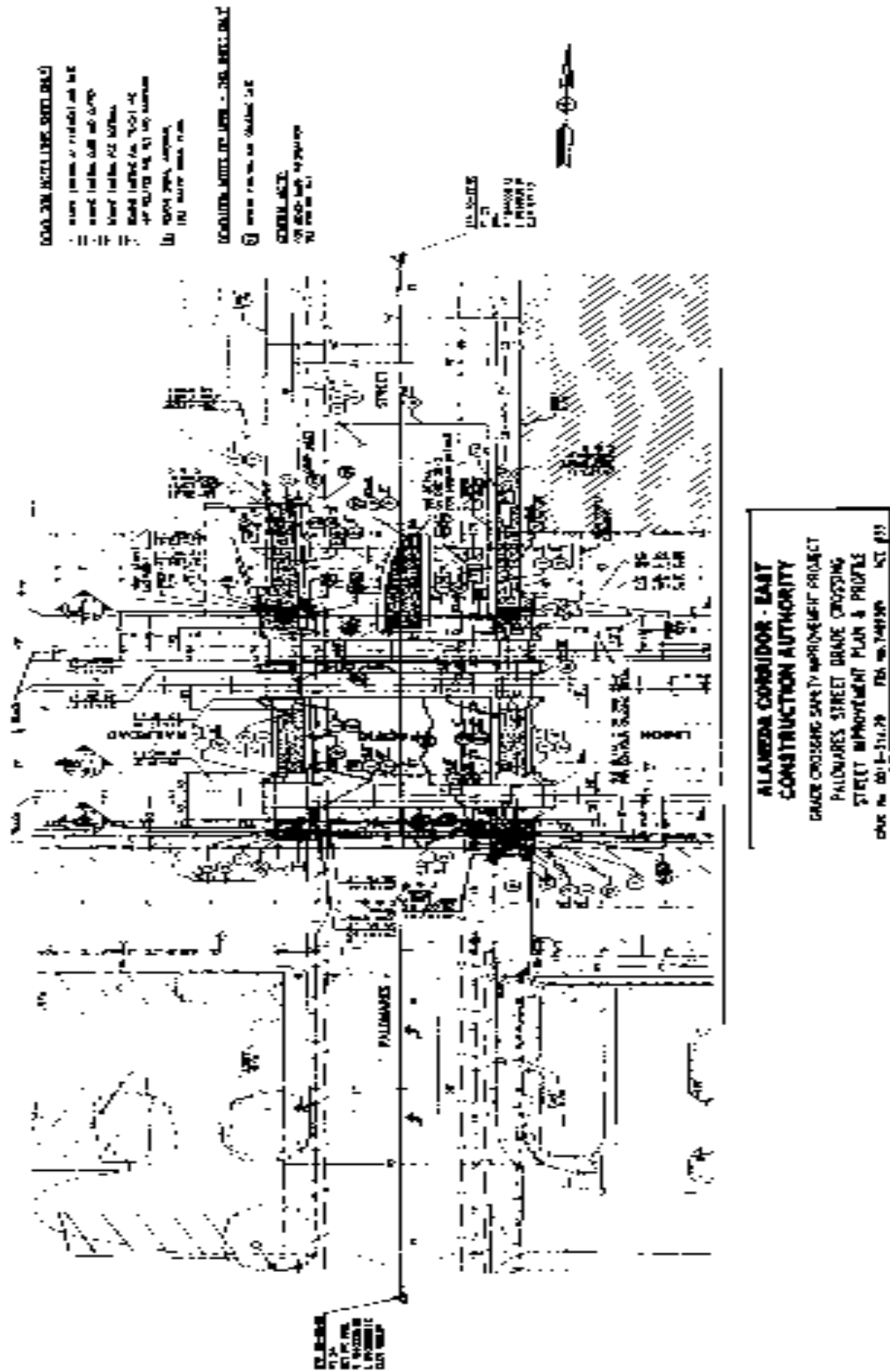
☐ Additional information attached or referenced, as appropriate (e.g., Mitigation commitments for NEPA only; Air Quality studies and/or documentation of exemption from regional conformity or use of CO Protocol; § 106 commitments; § 4(f) or Programmatic § 4(f); date COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions; Local Agency NOE.)

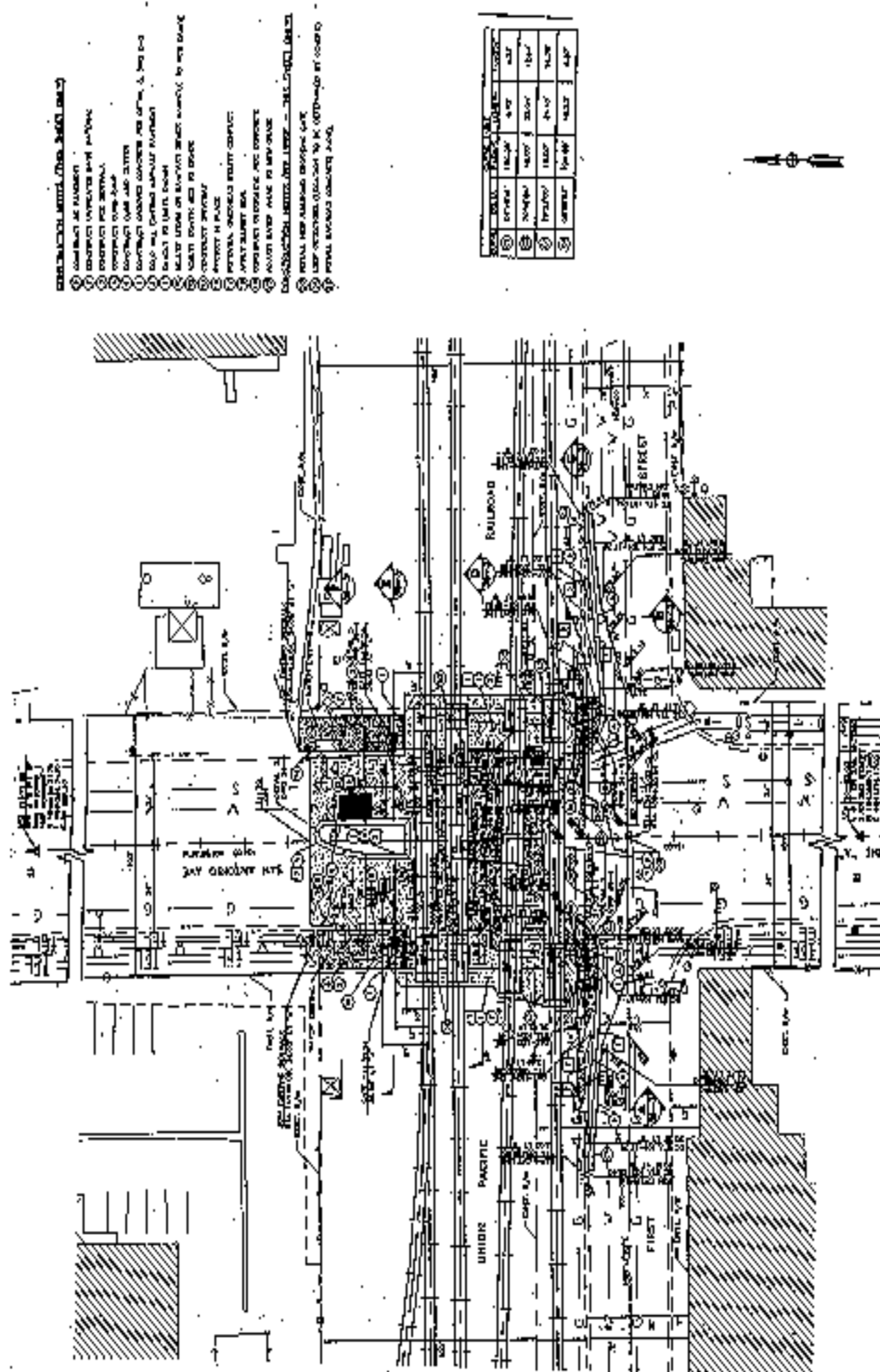
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FHWA-Sacramento









**ALAMEDA CORRIDOR - EAST
CONSTRUCTION AUTHORITY**
GRADE CROSSING SAFETY IMPROVEMENT PROJECT
SAN ANTONIO AVENUE GRADE CROSSING
STREET IMPROVEMENT FLASH
12th St. 400-8-243-500 12th St. 400-8-243-500

Symbol	Unit	Value	Unit	Value
①	cm ²	18.36	cm ²	18.36
②	cm ²	20.40	cm ²	20.40
③	cm ²	18.36	cm ²	18.36
④	cm ²	18.36	cm ²	18.36